

REMARKS

Claims 1, 3-16, 46 and 49 are pending. Claims 1-3, 5, 6, 8, 10, 13-15, 46 and 49 have been amended. Claim 2, and non-elected claims 17-45, 47, 48, 50 and 51 have been cancelled without prejudice. Claims 1, 46 and 49 are independent.

Claims 46 and 49 were rejected under 35 U.S.C. § 101 as allegedly being non-statutory. Without conceding the propriety of the rejection, those claims have been amended in the manner suggested by the Examiner. Withdrawal of the rejection is respectfully requested.

It appears that claims 1-9, 13-16, 46 and 49 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Publication No. US 2003/125028 (Reynolds). Claims 11 and 12 were rejected under 35 U.S.C. § 103 over Reynolds in view of U.S. Patent 6,870,822 (Balogh). Applicant submits that amended independent claims 1, 46 and 49 are patentable over the cited art for at least the following reasons.

Amended independent claim 1 is directed to a communication terminal connectable to a plurality of communication systems. The communication terminal comprises communication system selection means for deciding the communication system to which to connect, based upon a communication link quality, and a connection policy set for each of the plurality of the communication systems. The connection policy includes a user-selected priority of a connection; and the communication system selection means comprises means for making a connection to the communication system of which the communication link quality is equal to or more than a first threshold, and yet of which the user-selected priority is highest, with a change in the communication link quality.

Reynolds relates to a method for controlling handover of a mobile station during a communications session. In the Office Action, in rejecting claim 2, the subject matter of which has been incorporated into claim 1, the Examiner took the position that the feature of taking into account the priority of a connection, and selection of the communication system of which priority is

highest (assuming the communication link quality is equal to or more than the first threshold) are taught respectively at Paragraph [0022] and at Figure 2, step 128 of Reynolds.

Claim 1 has been amended, inter alia, to make even more explicit that the priority recited is the user-selected connection channel priority. On the other hand, the "priority" referred to in cited paragraph [0022] of Reynolds relates to giving priority to certain type of users or calls. Priority is not referred to in the description of step 128 from Figure 2 from Reynolds, at paragraph [0029], however, this step appears to relate peripherally to whether a user's request is given priority to a network policy. In view of the foregoing, the two cited portions of Reynolds do not appear to be referring to the same type of priority. Moreover, neither portion relates to the user-selected connection channel priority, still less as that term is recited in amended claim 1.

For at least the foregoing reasons, amended independent claim 1 is believed clearly patentable over Reynolds. Amended independent claims 46 and 49 recited similar features and are believed patentable for similar reasons. The other claims are dependent upon independent claim 1 discussed above and are patentable for at least the same reasons as that claim.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: September 18, 2007

Respectfully submitted,

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